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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,019	03/02/2004	Tatsuya Yasunaga	249210US0	3568
22850	7590	12/29/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			FISCHER, JUSTIN R	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			1733	
			MAIL DATE	DELIVERY MODE
			12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/790,019	Applicant(s) YASUNAGA ET AL.
	Examiner Justin R. Fischer	Art Unit 1733
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.		
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
NOTICE OF APPEAL		
<p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>		
AMENDMENTS		
<p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>		
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>		
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>		
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>		
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: <u>1 and 3-10</u>.</p> <p>Claim(s) withdrawn from consideration: _____.</p>		
AFFIDAVIT OR OTHER EVIDENCE		
<p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>		
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>		
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>		
REQUEST FOR RECONSIDERATION/OTHER		
<p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p>		
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____</p>		
<p>13. <input type="checkbox"/> Other: _____.</p>		
<p>Justin R Fischer Primary Examiner Art Unit: 1733</p>		

Continuation of 11: Applicant argues that while preheating temperature is a necessary condition to form the desired Cu-S based reaction products, preheating time is a factor as well. As set forth in the previous communication, Takayama expressly teaches a preheating step in which the metallic wires are heated between 80 and 120 degrees Celsius, which is identical to the preheating temperature of the claimed invention. In this instance, Takayama suggests that the use of such a preheating step can reduce the subsequent vulcanization time between 10 and 20 percent (Paragraph 21 of translation). In light of common vulcanization times (e.g. 30 minutes), one of ordinary skill in the art at the time of the invention would not have expected the preheating time to be extremely long. For example, Table 1 of the original disclosure suggests that the claimed amount of reaction products is formed by preheating for approximately 20 minutes or less. Given the standard vulcanization times, one of ordinary skill in the art at the time of the invention would have expected the preheating time to be significantly less than the vulcanization time (24-27 minutes in light of Takayama) and thus, less than 20 minutes. It is emphasized that Takayama specifically teaches a preheating step between 80 and 120 degrees Celsius and given the intent of the reference, one of ordinary skill in the art at the time of the invention would not have expected said preheating step to be carried out for a duration equal to that of the vulcanization.

Applicant further argues that the reinforcing wires of Takayama are intended to function as a conductor of heat and it is not clear why one skilled in the art would coat the wires with brass. It is extremely well known in the tire industry to coat tire reinforcing elements with brass in order to improve the bond between rubber and the

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steel cord. It is further noted that brass is an extremely good conductor of heat and it does not appear that plating the reinforcing wires of Takayama with brass would hinder their function. It is emphasized that the concept of brass plating tire reinforcing wires is extremely well known in the tire industry for the reasons detailed above. Thus, following the suggestions of the prior art, one of ordinary skill in the art at the time of the invention would have arrived at the claimed composite (brass/rubber) assembly.



Justin R Fischer
Primary Examiner
Art Unit 1733

JRF
December 27, 2006